THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.6586 of 2006

Dated: 04.04.2006

Between:

K. Ramachandra Rao, S/o Satyanarayana Murthy, Chief Administrative Assistant, HLRO, Hindustan Petroleum Corporation Ltd., Cherlapally, Hyderabad.

.... PETITIONER

AND

The Senior Regional Manager, Hindustan Petroleum Corporation Ltd., HLRO, Cherlapally, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.6586 of 2006

Order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Questioning the order dated 09.03.2006 passed by respondent No.2 rejecting the petitioner's representation dated 10.10.2005 for retention at the present place on the transfer orders of respondent No.1, dated 05.10.2005, the present writ petition is filed.

The petitioner, while working in Hindustan Petroleum Corporation Limited, Cherlapalli, was transferred to Ramagundam Depot, vide proceedings dated 05.10.2005 of respondent No.1. Questioning the said transfer orders on the ground that he was not keeping good health and he had some family problems, the petitioner filed W.P. No. 2938 of 2006, and this Court, by order dated 16.02.2006, disposed of the same directing the respondents to consider and dispose of the representation dated 10.10.2005 made by the petitioner. Against the said order, the petitioner preferred an appeal in Writ Appeal No. 189 of 2006, and a Division Bench of this Court, by order dated 27.02.2006, upheld the finding of the learned single Judge and disposed of the same directing the respondents to consider the representation of the petitioner as expeditiously as possible and pass orders in accordance with law and till such time, the petitioner should not be disturbed from the place of his working. Pursuant to the said orders the impugned order came to be passed rejecting the representation of the petitioner.

A perusal of the impugned order clearly shows that as per the provisions of Clause No.4 of the terms of merger of petitioner's services with HPCL, contained in Letter dated 01.12.2004, the petitioner's services are liable for transfer from one place to another, and from one

establishment to any other establishment of the Corporation, which is purely at the discretion of the Management. Respondent No.2, after taking the said aspects into consideration as well as the representation made by the petitioner dated 10.10.2005, and after giving valid reasons, passed the impugned order rejecting the representation of the petitioner for retention at the present place, and no exception can be taken thereto. The scope of interference in the orders of transfer is well settled. Transfer is an incidence of service and the same cannot be interfered with when the same is made on administrative grounds and exigencies. Therefore, no interference can be made with the order impugned in this writ petition.

The writ petition is devoid of merit and the same is accordingly dismissed. Finally, six weeks time is granted to the petitioner to report at Ramagundam Depot. If the petitioner fails to report to duty at Ramagundam Depot within a period of six weeks from the date of this order, the respondents are at liberty to take appropriate action against the petitioner. No costs.

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N.V. RAMANA, J.

Date: 04.04.2006
Nsr